

EXHIBIT

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CAUSE NO. 1:08 CA 263SS

Abigail Fisher and
Rachel Multer Michalewicz

§ In The United States District Court

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§

§

v.

§ For The Western District of Texas

§

State of Texas, University of Texas at
Austin, Mark Yudof, David Pryor, Barry
Burgdorf, William Powers, et al

§

§

(Austin Division)

§

AFFIDAVIT of MICHAEL K. ORR

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, personally appeared Michael K. Orr, who, being by me duly sworn, upon his/her oath stated:

1. My name is Michael K. Orr. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated in it.

2. I have been employed in Office of Admissions of the University of Texas at Austin since 1991. My current position is Associate Director of Admissions, a position I have held since 2003. As part of my job duties I have been personally involved in evaluating, implementing and administering various efforts or programs by the University at improving the diversity of its student body. These programs can be described as race-neutral because a potential student's race or ethnicity is not part of their eligibility criteria.

3. Beginning in 1996 after the *Hopwood* decisions, the Office of Admissions at the University of Texas started using race neutral recruitment efforts and a race neutral admissions process. All of the race neutral recruitment efforts discussed below are still being used today. Before undertaking these efforts, the admissions office's senior staff met for the better part of a month in an effort to draft a new race neutral Mission Statement complete with objectives and action plans that did not include the use of race as a factor in targeting prospective students for recruitment purposes.

4. In order to move toward its diversity goals in a race neutral manner, UT undertook the following efforts: (1) Creation of a race neutral scholarship program that would have among its effects, diversity yield, (2) expanding the quantity and quality of outreach efforts, (3) focusing additional attention and resources at low-performing high schools.

5. The Longhorn Opportunity Scholarship Program (LOS), the Presidential Achievement Scholarship program (PAS,) the Keep Texans in Texas Scholarship Program (KTIT), The First Generation Scholarship, and the University Outreach Scholarship Program were created specifically as race neutral initiatives to increase the diversity of the freshman class.
6. The PAS scholarship is a need based scholarship that employs the use of a calculated adversity index that considered characteristics of the student's home high school, family information, and a Peer Performance Index.
7. The LOS scholarship Program identified underserved communities by high school and guaranteed a specific number of scholarships for top 10% graduates. Selected high schools were low income and had a history of few or no UT matriculates. Initially, 39 high schools were identified throughout the state to become Longhorn Opportunity High Schools. This number has increased overtime to 70, and currently is represented at 69 high schools. This program employs a total student needs initiative in that it addressed the full scope of needs of the students (Money, Recognition, Housing, Academic Support, and Social Acclimation Support).
8. The Keep Texans in Texas Scholarship Program matched scholarships from out-of-state schools for students from underrepresented High Schools.
9. The First Generation Scholarship Program was used to target students who would be the first in their family to attend college.
10. From 1997 to 2007, UT awarded 59 million scholarship dollars with an additional 20 million awarded in tuition waivers. In 2007 5.8 million dollars were awarded for the PAS and LOS scholarships alone.
11. One of the most viable race neutral efforts has been to increase the quantity and quality of services provided all prospective students. The idea being that a rising tide floats all boats. By focusing on high school graduates in the top 10% of their high school class we were able to identify a race neutral cohort of top prospects that had a high probability of admissibility. The UT recruitment initiatives organized themselves around race neutral scholarship initiatives and focus was given to LOS High Schools.
12. Beginning in 1996 the recruitment budget was increased by \$500,000. Three satellite admissions centers were added in addition to the Houston Admissions Center that already existed. In 2000 we opened the Dallas Admissions Center with a complement of 4 new full time staff. In 2005 we opened the San Antonio Admissions Center with a complement of 4 new full time staff. And in 2007 we opened the Harlingen (Valley) Admissions Center with a complement of 5 new full time staff. The goal of these centers was to increase the Universities visibility and interaction with prospective students, parents, and high school administrators within the geographic market they existed. These centers allowed for increased quality and quantity of counseling, face to face discussions, and programming within the prospective students

home city. Staff in these regional centers in combination with admissions staff from the main campus attended over 1,000 College Night / Day events held at High Schools across the state. Additionally, these staff coordinated and conducted around 1,000 Day Visits to High Schools around the state in an effort to encourage prospective top 10% students to apply and enroll at the University of Texas.

13. The Office of Student Financial Services (OFSFS) also increased their efforts to engage prospective students by forming a Financial Aid Outreach Group where OFSFS staff would visit high schools to meet with prospective students during their junior year to help them understand the financial support offered by the University. The goal of this initiative was to convince low income students that money should not be a barrier to attending college. These staff members also traveled to high schools during the spring semester in an effort to discuss financial aid packages with admitted students to further reinforce the affordability of a UT Austin education.

14. In 1998 the Office of Admissions purchased a recruitment software package so that we could better communicate with prospective students, track our outreach, and manage our travel throughout the state. This software package enabled staff to correspond directly and effectively for the first time with prospective students regarding our visits to their high schools, recruitment programming available to them, invitations to on campus events, as well as information relevant to the successful application and matriculation to UT. Within this database we implemented a top prospect scheme that has allowed us to target students with a high probability for admission. These students were identified as "A Rated" and met one of the following criteria (Self reported top 10%, 1500+ SAT or the ACT equivalent, Honors Colloquium Invitee <selected based on PSAT score>). Race did not and does not enter into the consideration of prioritization of prospective students.

15. As a part of this expansion of services, the Office of Admissions began conducting a number of On Campus Recruitment Events to support the outreach and recruitment being conducted in the field. Some of these programs had been conducted in the past (under different names) by means of targeting students based on race, but were retooled to become race neutral. These program targeted "A Rated" prospects from selected high schools. No student was selected or barred from participation based on their race.

16. UT has also engaged in these race neutral efforts to improve the overall diversity of its student body.


17. In one such program called "Longhorn Lock-in", UT holds as many as 5 annual Longhorn Lock-In events (Overnight trips to UT for prospective students) which serve students from targeted high schools in the Dallas, San Antonio, Houston, and Rio Grande Valley areas.

18. As part of its UT Scholars Program, UT conducts overnight campus visitations for admitted scholarship recipients from Dallas, Houston, San Antonio, the Valley, and Central Texas. Over 300 students participate annually.

19. UT conducts 3 "Longhorn For A Day" campus visit programs for prospective students from Dallas, San Antonio/Laredo, and Houston. Over 150 students participate annually.

20. UT annually conducts four Longhorn Saturday Events on campus designed to meet the needs of prospective students and their families. We have hosted over 3,000 individuals annually on Longhorn Saturdays and over 1,200 for Rise and Shine, with registration and attendance for both events being open to all.

21. UT conducts an annual multi day on campus conference for high school counselors, called "Counselor Colloquium, in an effort to focus attention on the University. In an effort to insure broad representation the Office of Admissions offered the event at no cost for those who could not otherwise afford to attend.


Michael K. Orr

SUBSCRIBED AND SWORN TO BEFORE ME on the 5th day of May 2008, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas

